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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,665	06/30/2000	KAORU NAKABAYASHI	Q58650	1041

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EXAMINER

LEE, TOMMY D

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 10/07/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/529,665

Applicant(s)

NAKABAYASHI ET AL.

Examiner

Thomas D. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,13-21,23,28-32,35 and 36 is/are rejected.
- 7) ☐ Claim(s) 7,9-12,22,24-27,33 and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

3. Claims 7 and 22 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-6, 8, 13-15, 30-32, 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,377,359 (Higashio).

Regarding claims 1-6, 8, 13 and 14, Higashio teaches an image data processing apparatus in which a parameter representing contents of a predetermined image processing to be executed on image data and the image data are saved together with mutual relating information, the apparatus comprising: a parameter setting unit which sets a parameter representing contents of a predetermined image processing to be executed on image data (column 7, line 64 – column 8, line 25); a data saving unit which saves the image data and the parameter together with relating information (column 8, lines 31-35; column 5, lines 43-54); a data acquiring unit which acquires the image data and the parameter by referring to the relating information (column 5, lines 54-59); and an image processing reproducing unit which obtains image data subjected to the specified image processing based on the acquired image data and parameter (column 9, lines 4-9). The parameter represents a type or degree of an image processing (resolution conversion, enlargement/reduction ratio (column 8, lines 10-46)). There are a plurality of parameters every image processing type (parameters for resolution conversion include resolution of output device, information on original size (column 8, lines 10-14)). A plurality of parameters can be saved and execution can selectively be performed from the parameters (column 8, lines 31-46; Fig. 5). The parameter is divided into a plurality of selectable sets, and an image processing is carried out based on a set of parameters which are selected during execution (resolution conversion as mentioned above performed according to separate sets of

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additional information (Fig. 5)). The parameter setting unit sets contents of an image processing based on a result obtained by statistically analyzing the image data (column 9, lines 27-35). The image processing reproducing unit selects an image processing section to execute an image processing represented by the parameter and executes the image processing (column 7, lines 52-54).

Regarding claim 15, Higashio teaches a medium recording an image data set recording: image data (image database including image data (column 5, lines 43-44)); a parameter representing contents of a predetermined image processing such that the image processing can be carried out for corresponding image data (image database further includes image size and resolution (column 5, lines 54-57)); and relating information for relating the image data to the parameter such that the contents of the image processing represented by the parameter can be executed on the image data (keyword associated with retrieval of image data (column 5, lines 57-59)).

Regarding claims 30-32, 35 and 36, Higashio teaches an image data processing method in which a parameter representing contents of a predetermined image processing to be executed on image data is set, the image data and the parameter are saved together with relating information (column 8, lines 31-35; column 5, lines 43-54); and the image data and the parameter are acquired by referring to the relating information (column 5, lines 54-59); and image data subjected to the specified image processing are obtained based on the acquired image data and parameter (column 9, lines 4-9). The image data are statistically analyzed and contents of an image processing are set based on a result of the analysis (column 9, lines 27-35). An image

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processing section is selected to execute an image processing represented by the parameter and is caused to execute the image processing (column 7, lines 52-54).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 16-21, 23, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashio.

Claims 16-21, 23, 28 and 29 recited steps for performing image processing as recited in above-rejected claims 1-6, 8, 13 and 14, respectively, recorded on a medium for causing a computer to execute the steps. A computer program for performing image processing steps in general, while not taught by Higashio, would have been an obvious modification to one of ordinary skill in the art, so that the image processing steps may

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be performed by a computer without requiring specific hardware for performing each of the steps.

Allowable Subject Matter

9. Claims 9-12, 24-27, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to teach or suggest separate use of sets of parameters depending on a situation of a pixel as recited in claims 9 and 24; or dividing the image data and parameter with a hierarchical structure, as recited in claims 10 and 25; or relating and saving thumbnail image data with the parameter, as recited in claims 11, 26 and 33; or management of image data on a storage device differently from the parameter, as recited in claims 12, 27 and 34.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

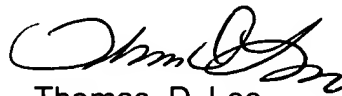
U.S. Patent 5,740,335 (Takayamagi et al.) discloses a processing apparatus, wherein an attribute data set accompanying an original image data set replaced by a new image data set is changed according to the new image data set.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (703) 305-4870. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Thomas D. Lee
Primary Examiner
Art Unit 2624

tdl
September 29, 2003